IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.08.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.No.28386 of 2006
and
W.P.M.P.No.1 of 2006

A.James Watt
salem-6. ... Petitioner

-vs-

1.The Chairman and Managing Director,
Tamilnadu Civil Supplies Corporation Limited.,
Chennai-10.

2.The Regional Manager,
Tamilnadu civil Supplies Corporation Limited.,
Salem. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records of the second respondent in his proceedings in Na.Ka.No.D1/210/99 dated 11.11.2005 and quash the same.

For Petitioner : Mr.V.Gangatharan

For Respondents : Mr. A. Edwin Prabhakar, GA

O R D E R

This writ petition is filed challenging the impugned order of the 2nd respondent dated 11.11.2005 directing the recovery of amount of Rs.15718.75/- from the salary of the petitioner in respect of storage loss stated to have been committed by the petitioner. Admittedly, it is seen in the impugned order itself, there is an appeal available to the first respondent against the order of the 2nd respondent within 60 days.

2.The learned counsel for the petitioner would submit that in fact the petitioner has preferred an appeal on 19.1.2006 to the 1st respondent. The learned counsel would further submit that even though the impugned order is dated 11.11.2005, order of recovery is yet to have been effected from the salary of the petitioner.

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3.I have heard the learned counsel for the petitioner and the learned Government Advocate, taking notice on behalf of the respondents.

4.Considering the above said facts and circumstances and also the submissions made by the counsel on either side, the 1st respondent is directed to consider the appeal of the petitioner dated 19.1.2006 against the impugned order of the 2nd respondent dated 11.11.2005 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if in the mean time, no recovery has been made based on the impugned order from the salary of the petitioner, such recovery shall be kept in abeyance till the appellate authority, viz., the first respondent passes any final order as stated above.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected M.P.is closed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

TO

1.The Chairman and Managing Director,
Tamilnadu Civil Supplies
Corporation Limited.,
Chennai-10.

2.The Regional Manager,
Tamilnadu civil Supplies
Corporation Limited.,
Salem.

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